



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

FTB/VTN/MAA
F. #2015R00524

*271 Cadman Plaza East
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By Email and ECF

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Re: United States v. Donal O'Sullivan, et al.
Criminal Docket No. 20-272 (PKC)

Dear Counsel:

Enclosed please find a supplemental production of 3500 and Giglio material in connection with trial in the above-referenced case. Also enclosed is a revised exhibit list that reflects the changes described below.¹

Revised Exhibits: The following revised exhibits are enclosed with this letter.

- Transcriptions: revised copies of GX6004T; GX6005T; and GX6006T.

¹ The government is enclosing two versions of the non-email exhibit list: (1) a version with "intentionally omitted" notations for those exhibits that have been removed from the original list and subsequent iterations; and (2) a listing of the exhibits without noting omissions from earlier versions.

- GX7049 – revised to remove four duplicative pages and to re-arrange the order of the images.
- GX555 – re-marked as GX555 to match the file name.
- GX4107 – this exhibit is being added (it was previously included, but inadvertently withdrawn in the last iteration).
- GX2152 – a revised version that shows the complete “from” email address.
- GX7022 – a revised version that applies the indicated redactions from the previous version.
- GX7005 – revised to remove pages 5-7.
- GX4116 – revised to remove page 3.
- GX1034R and GX1453R – redacted versions of previously disclosed emails.
- GX7000.4, GX7000.8, GX7000.87, GX7000.93, GX7000.97, GX7000.102, and GX7000.108 – redacted versions of previously marked employee information.
- GX7106 – redacted list of employees.

Additional Exhibits: Additional exhibits enclosed with this letter are identified below.

- Sub-Exhibits – copies of checks issued to certain individuals, derived from bank records (GX3101, GX3300, GX3102, and GX3200) and marked as GX7109 to GX7124.
- Summary Exhibits – summary exhibits derived from information contained in other exhibits and marked GX7103 to GX7125.
- Pictures – two photographs marked as exhibits at GX7228 and GX7229.
- GX4625 – a business records certificate covering GX4623 and GX4624.
- GX7200 – excerpts of Donal O’Sullivan’s deposition testimony.
- Stipulations – proposed stipulations that will be updated upon execution.

Removed Exhibits: The exhibits identified below have been removed from the list.

- Grassi & Co. – GX7051, GX7054, GX7055, GX7060, GX7062, GX7064, GX7063, GX7071, and GX7073.
- Carpenters Exhibits – GX4217 to GX4220 have been removed (but are being re-marked as 3500 material for A.P., an auditor for the unions). GX4206 and GX4203 have also been removed.
- Bricklayers Exhibits – GX4111, GX4121, GX4135 to GX4142, and GX4143 to GX4150.
- Bank Records Exhibits – GX3000 and GX3103.
- Navillus Documents – Union Audit Documents (GX5016 to GX5025).
- Ordonez Litigation Documents – GX7202 to GX7207.

* * *

The government reiterates its request for reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendants allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendants intend to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendants' possession, custody or control, and that the defendants intend to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendants intend to call at trial.

The government also requests that the defendants disclose prior statements of witnesses who will be called by the defendants to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendants have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendants disclose a written summary of testimony that the defendants intend to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendants' intention, if any, to claim a defense of actual or believed exercise of

